

## ¶ 20 - Base Offense Level

**¶ 21 - § 2K2.1(b)(6) Enhancement**

**¶ 22 - § 2K2.1(b)(4)(A) Enhancement**

## Criminal History

The plea agreement states that the parties recommend that criminal history category VI overstates the Defendant's criminal history, and they recommend that he be placed in

criminal history category V. Neither party has filed a motion based on overstatement of criminal history as required under the sentencing scheduling order, and therefore the Court declines to address this issue in these Tentative Findings.

IT IS ORDERED:

1. The Defendant's Objections to ¶¶ 21 and 22 of the PSR are granted;
2. The Defendant's objection to ¶ 22 of the PSR will be heard at sentencing;
3. The government's objections to ¶¶ 21 and 22 of the PSR are granted;
4. Otherwise the Court's tentative findings are that the Presentence Investigation Report is correct in all respects;

5. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

6. Absent submission of the information required by paragraph 5 of this Order, my tentative findings may become final; and

7. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 14<sup>th</sup> day of October, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge